73-5-4 Controlling works and measuring devices.

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at:
  (a) each location where water is diverted from a source; and
  (b) any other location required by the state engineer.
(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.
(3) The state engineer shall approve the design of:
  (a) the measuring device; and
  (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works.
(4) A person using water as an instream flow:
  (a) shall install and maintain a measuring device or stream gauging station in the section of the stream within which the instream flow is maintained; and
  (b) is not required to install controlling works unless the state engineer's order approving the application requires the installation because controlling works are necessary to achieve the purpose of the application.
(5)
  (a) An owner or manager of a reservoir shall construct and maintain a measuring device as directed by the state engineer to measure the inflow, storage content, and outflow from the reservoir.
  (b) The state engineer shall approve the design and location of the measuring device.
  (c) The owner or manager of a reservoir shall make the measuring device accessible to the state engineer or water commissioner.
(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:
  (a) forbid the use of water until the user complies with the state engineer's requirement; and
  (b) commence enforcement proceedings authorized by Section 73-2-25.

Amended by Chapter 311, 2008 General Session